



February 22, 2008

ENGROSSED HOUSE BILL No. 1169

DIGEST OF HB 1169 (Updated February 20, 2008 4:31 pm - DI 110)

Citations Affected: IC 16-41; IC 25-8.

Synopsis: Cosmetology and estheticians. Changes the term "cosmetology professional" in the law concerning beauty culture to "beauty culture professional". Defines "threading". Exempts threading from cosmetology licensing laws. Makes conforming changes. Repeals the definitions of "cosmetology professional" and "continuing education course".

Effective: July 1, 2008.

Orentlicher, Bardon

(SENATE SPONSOR — DILLON)

January 14, 2008, read first time and referred to Committee on Small Business and Economic Development.

January 24, 2008, reported — Do Pass.

January 28, 2008, read second time, ordered engrossed. Engrossed.

January 29, 2008, read third time, passed. Yeas 90, nays 3.

SENATE ACTION

January 29, 2008, read first time and referred to Committee on Commerce, Public Policy and Interstate Cooperation.

February 21, 2008, amended, reported favorably — Do Pass.

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EH 1169—LS 6902/DI 14+



February 22, 2008

Second Regular Session 115th General Assembly (2008)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2007 Regular Session of the General Assembly.

ENGROSSED HOUSE BILL No. 1169

A BILL FOR AN ACT to amend the Indiana Code concerning professions and occupations.

Be it enacted by the General Assembly of the State of Indiana:

1 SECTION 1. IC 16-41-1-4 IS ADDED TO THE INDIANA CODE
2 AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
3 1, 2008]: **Sec. 4. The state department may adopt rules concerning:**

- 4 (1) **sanitation requirements;**
5 (2) **requirements for education on sanitation; and**
6 (3) **any other health concerns;**
7 **associated with threading (as defined in IC 25-8-2-19).**

8 SECTION 2. IC 25-8-2-2.6 IS ADDED TO THE INDIANA CODE
9 AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
10 1, 2008]: **Sec. 2.6. "Beauty culture professional" refers to the**
11 **following:**

- 12 (1) **A cosmetologist licensed under IC 25-8-9.**
13 (2) **An electrologist licensed under IC 25-8-10.**
14 (3) **A manicurist licensed under IC 25-8-11.**
15 (4) **An esthetician licensed under IC 25-8-12.5.**
16 (5) **An instructor licensed under IC 25-8-6.**

17 SECTION 3. IC 25-8-2-5, AS AMENDED BY P.L.157-2006,

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SECTION 35, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2008]: Sec. 5. (a) "Cosmetology" means performing any of the following acts on the head, face, neck, shoulders, torso, arms, hands, legs, or feet of a person:

(1) Cutting, trimming, styling, arranging, dressing, curling, waving, permanent waving, cleansing, bleaching, tinting, coloring, or similarly treating hair.

(2) Applying oils, creams, antiseptics, clays, lotions, or other preparations to massage, cleanse, stimulate, manipulate, exercise, or beautify.

(3) Arching eyebrows.

(4) Using depilatories.

(5) Manicuring and pedicuring.

(b) "Cosmetology" does not include performing any of the acts described in subsection (a):

(1) in treating illness or disease;

(2) as a student in a cosmetology school that complies with the notice requirements set forth in IC 25-8-5-6;

(3) in performing shampooing operations; or

(4) without compensation.

(c) "Cosmetology" does not include performing the act of threading.

SECTION 4. IC 25-8-2-9.5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2008]: Sec. 9.5. (a) "Esthetician" means a person who engages solely in one (1) or more of the following practices:

(1) Giving facials, applying makeup, and giving skin care.

(2) Beautifying, massaging, or cleaning the body with the use of cosmetic preparations, antiseptics, tonics, lotions, or creams.

(3) Removing superfluous hair from the body by the use of depilatories, waxing, or tweezers.

(b) The term does not include performing any of the acts described in subsection (a):

(1) in treating an illness or a disease;

(2) as a student in a cosmetology school that complies with the notice requirements under IC 25-8-5-6;

(3) without compensation; or

(4) incident to the retail sale of cosmetics.

(c) The term does not include a person who:

(1) engages in threading; and

(2) does not engage in one (1) or more of the practices described in subsection (a).

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SECTION 5. IC 25-8-2-19 IS ADDED TO THE INDIANA CODE
AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
1, 2008]: **Sec. 19. "Threading" refers to:**

**(1) a technique that results in the removal of superfluous hair
from the body by twisting thread around unwanted hair and
pulling it from the skin; and**

(2) the incidental trimming of eyebrow hair.

SECTION 6. IC 25-8-5-4.2, AS ADDED BY P.L.157-2006,
SECTION 43, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
JULY 1, 2008]: Sec. 4.2. (a) A cosmetology school licensed under this
chapter shall require each student for graduation to pass a final
examination that tests the student's practical knowledge of the
curriculum studied.

(b) The board shall consider an applicant for the ~~cosmetology~~
beauty culture professional examination as fulfilling the practical
examination requirement established by IC 25-8-4-8(1) after
successfully completing the final practical demonstration examination.

(c) A passing score of at least seventy-five percent (75%) is required
on the final practical demonstration examination.

(d) The cosmetology school licensed under this chapter shall allow
each student for graduation at least three (3) attempts to pass the final
practical demonstration examination.

(e) The board may monitor the administration of the final practical
demonstration examination for any of the following purposes:

- (1) As a result of a complaint received.
- (2) As part of random observations.
- (3) To collect data.

SECTION 7. THE FOLLOWING ARE REPEALED [EFFECTIVE
JULY 1, 2008]: IC 25-8-2-3.5; IC 25-8-2-5.5.

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COMMITTEE REPORT

Mr. Speaker: Your Committee on Small Business and Economic Development, to which was referred House Bill 1169, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill do pass.

ORENTLICHER, Chair

Committee Vote: yeas 9, nays 0.

COMMITTEE REPORT

Madam President: The Senate Committee on Commerce, Public Policy and Interstate Cooperation, to which was referred House Bill No. 1169, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be AMENDED as follows:

Page 1, between the enacting clause and line 1, begin a new paragraph and insert:

"SECTION 1. IC 16-41-1-4 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2008]: **Sec. 4. The state department may adopt rules concerning:**

- (1) sanitation requirements;**
- (2) requirements for education on sanitation; and**
- (3) any other health concerns;**

associated with threading (as defined in IC 25-8-2-19).

Page 1, delete lines 10 through 17.

Delete page 2.

Page 3, delete lines 1 through 11, begin a new paragraph and insert:

"SECTION 3. IC 25-8-2-5, AS AMENDED BY P.L.157-2006, SECTION 35, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2008]: **Sec. 5. (a) "Cosmetology"** means performing any of the following acts on the head, face, neck, shoulders, torso, arms, hands, legs, or feet of a person:

- (1) Cutting, trimming, styling, arranging, dressing, curling, waving, permanent waving, cleansing, bleaching, tinting, coloring, or similarly treating hair.**
- (2) Applying oils, creams, antiseptics, clays, lotions, or other preparations to massage, cleanse, stimulate, manipulate, exercise, or beautify.**
- (3) Arching eyebrows.**

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- (4) Using depilatories.
- (5) Manicuring and pedicuring.

(b) "Cosmetology" does not include performing any of the acts described in subsection (a):

- (1) in treating illness or disease;
- (2) as a student in a cosmetology school that complies with the notice requirements set forth in IC 25-8-5-6;
- (3) in performing shampooing operations; or
- (4) without compensation.

(c) "Cosmetology" does not include performing the act of threading.

SECTION 4. IC 25-8-2-9.5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2008]: Sec. 9.5. (a) "Esthetician" means a person who engages solely in one (1) or more of the following practices:

- (1) Giving facials, applying makeup, and giving skin care.
- (2) Beautifying, massaging, or cleaning the body with the use of cosmetic preparations, antiseptics, tonics, lotions, or creams.
- (3) Removing superfluous hair from the body by the use of depilatories, waxing, or tweezers.

(b) The term does not include performing any of the acts described in subsection (a):

- (1) in treating an illness or a disease;
- (2) as a student in a cosmetology school that complies with the notice requirements under IC 25-8-5-6;
- (3) without compensation; or
- (4) incident to the retail sale of cosmetics.

(c) The term does not include a person who:

- (1) engages in threading; and**
- (2) does not engage in one (1) or more of the practices described in subsection (a)."**

Page 3, delete lines 19 through 42.

Page 4, delete lines 1 through 13.

Page 4, delete lines 34 through 35, begin a new paragraph and insert:

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"SECTION 7. THE FOLLOWING ARE REPEALED [EFFECTIVE JULY 1, 2008]: IC 25-8-2-3.5; IC 25-8-2-5.5."

Renumber all SECTIONS consecutively.

and when so amended that said bill do pass.

(Reference is to HB 1169 as printed January 25, 2008.)

RIEGSECKER, Chairperson

Committee Vote: Yeas 8, Nays 0.

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